

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DON-LEE GRAYSON,

Plaintiff,

**9:16-cv-1118
(GLS/ATB)**

v.

C.O. COURTNEY et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

DON-LEE GRAYSON

Pro Se

14-A-3599

Washington Correctional Facility

Box 180

72 Lock 11 Lane

Comstock, NY 12821

FOR DEFENDANTS:

C.O. Jaquish

HON. ERIC T. SCHNEIDERMAN

New York State Attorney General

The Capitol

Albany, NY 12224

RACHEL M. KISH

Assistant Attorney General

C.O. Courtney

NO APPEARANCE

Gary L. Sharpe

Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on August 22, 2017. (Dkt. No. 39.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 39) is **ADOPTED** in its entirety; and it is further

ORDERED that defendant C.O. Jaquish's motion to dismiss (Dkt. No. 35) is **GRANTED IN PART** and **DENIED IN PART** as follows:

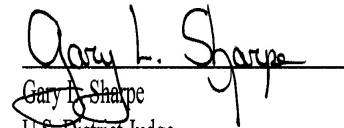
GRANTED to the extent that any claim for damages against him in his official capacity is dismissed with prejudice; and

DENIED in all other respects without prejudice to the submission of a properly supported summary judgment motion; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

September 14, 2017
Albany, New York



Gary L. Sharpe
U.S. District Judge